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# United States Court of Appeals For the First Circuit

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No. 03-2121

NOEMI SOSA ACOSTA ET AL.,  
Plaintiffs, Appellees,

v.

PUERTO RICO DEPARTMENT OF HEALTH ET AL.,  
Defendants, Appellants.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

[Hon. José Antonio Fusté, U.S. District Judge]

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Before

Selya, Circuit Judge,  
Cyr, Senior Circuit Judge,  
and Lipez, Circuit Judge.

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Julio C. Alejandro-Serrano, with whom Anabelle Rodríguez,  
Secretary of Justice, Ivonne Palerm, Deputy Secretary of Justice,  
Eileen Landron Guardiola, Eduardo A. Vera Ramirez, and Landron &  
Vera, LLP were on brief, for appellants.

Alfredo Fernández Martínez for appellees.

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May 7, 2004

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**Per Curiam.** This appeal was taken from a refusal of the district court to stay discovery pending its decision on certain dispositive motions. The district court decided those motions on March 31, 2004. This appeal is, therefore, moot.<sup>1</sup> See CMM Cable Rep., Inc. v. Ocean Coast Props., Inc., 48 F.3d 618, 621 (1st Cir. 1995) (explaining that "an appeal, although live when taken, may be rendered moot by subsequent developments").

In addition, the defendants have filed a motion to stay discovery in the district court pending the determination of the appeals that they have taken from the district court's March 31 orders. That motion is not properly filed in this proceeding. In all events, the record does not reflect that similar relief was requested and denied in the lower court. Consequently, even were the motion properly before us, we would reject it. See Beaulieu v. IRS, 865 F.2d 1351, 1352 (1st Cir. 1989) ("[I]t is a party's first obligation to seek any relief that might fairly have been though available in the district court before seeking it on appeal.").

We need go no further. This appeal is terminated.

**The appeal is dismissed as moot and the motion to stay is denied without prejudice. Costs will be taxed in favor of the appellees.**

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<sup>1</sup>Because the appeal is dismissed as moot, we need not decide — and take no view on — the appealability vel non of the initial stay order.